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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/488,578	01/21/2000	Robert J. Snyder	1752.0010002	4622

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EXAMINER

HUYNH, BA

ART UNIT PAPER NUMBER

2179

DATE MAILED: 11/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/488,578

Applicant(s)

SNYDER ET AL.

Examiner

Ba Huynh

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Public Use or Sale activities

The newly submitted 84 pages copy of "CameraManSTUDIO, Preliminary Sales Manual", SSM-963-001-KKM, Rev. 1.0, date 9/18/96, and a 34 pages copy of the 1997 Annual Report provide concrete evidences of on sale activities of the CameraManSTUDIO products, as early as 9/18/1996 and continuously until the date of filing of this application. Accordingly, the rejection based on public sale has been re-instated as below. This Office action is made Non-Final.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 117, 119, 120 are rejected under 35 U.S.C. 102(b) based upon a public use or sale of the invention as evidenced by the Alex Holtz declaration. Disclosed in the declaration are numerous marketing activities by the applicants since 1996 which bring the claimed inventions within the scope of a bar to patenting under 35 USC 102(b), including:

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1996: graphically disclosed the invention at the NAB 96 trade show.

4/1997: Demonstrated the first prototype, distributed brochures, market exploitation, proposed price, list of potential beta sites was kept, among which is the Rainbow Media Group. All at the NAB 97.

Sometime after the NAB 97: discussed sale with price to public, including the Rainbow Media Group.

At Infocom tradeshow, repeated the same activities as with the NAB 97.

10/1997: Disclosed the product (with significant source codes), distributed brochures describing features and functions of the products at Telecom 97 tradeshow. Offered sale with price to public, including Rainbow Media Group. Capable and ready for taking purchase order.

12/19/97: Signed a sale contract with Rainbow Media Group.

Request for additional information

3. An issue of public use or on sale activity has been raised in this application. In order for the examiner to properly consider patentability of the claimed invention under 35 U.S.C. 102(b), additional information regarding this issue is required as follows:

Detailed descriptions of the product at each time it was offered to the public, starting from 1996 to one calendar year prior to the effective filing date of this application.

Specifically, the completion of the invention as it is recited in the claims, at each stage when it was offered to the public at NAB97, the Infocom tradeshow and the Telecom tradeshow in 1997.

Claim Rejections - 35 USC § 102

1. Claims 1-15, 18-24, 26-28, 30-32, 34, 35 are rejected under 35 U.S.C. 102(e) as being anticipated by US patent #6,038, 573 (Parks).

- As for claims 1, 10: Parks teaches a computer implemented method and corresponding system for producing a show comprising the steps/means for enabling creation of an instruction sequence for the show, wherein the instruction sequence defines one or more set of production commands for controlling at least one production device (3:20-31; 4:20-26; 8:33-35; 15:20-21), the one or more sets comprising one or more segment files, each segment file comprising a set of production commands that, when executed, operates to produce a segment of the show (6:42-51, 6:59-7:7, 15:64-16:28, figs. 4 and 5), each segment file comprising script portions that include commands activated in relation to a script (7:8-33, 8:33-38) and non-script portions that include commands activated independent of a script (8:41-51, 10:23-27, 15:64-16:1, fig 4), each segment having a duration (13: 25-49), which is defined by execution of the instruction sequence under the control of a human operator, and executing the one or more set of production command to produce the show (3:20-31; 8:33-35; 15:20-21; 15:64-16:1).

- As for claims 2, 11: A segment file can be added to a show file prior to executing a first production command within the group of production commands corresponding to the segment file (8:33-51, 8:60-61, 12:29-37, 12:52-54, 17:38-55).

- As for claims 3, 9, 12: A subsequent segment file can be irreversibly appended to the show file prior to executing a first production command within the group of commands corresponding to a preceding segment file (8:33-51, 8:60-61, 17:38-55).

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- As for claim 4: The group of production commands corresponding to a subsequent segment file includes instructions for transitioning from the preceding show segment to the subsequent show segment (inherently included in Parks' teaching of multi-segment data structure).
- As for claims 5, 13: The show file is stored in a memory (7:1-4).
- As for claims 6, 14: Show segments are record for subsequent playback (inherently included), the record segment includes segment delimiter (10:19-22, 17:20-24).
- As for claims 7, 15: The segment delimiter includes starting point (17:20-24).
- As for claim 8: Parks teaches a computer implemented method and corresponding system for producing a show comprising the steps/means for enabling creation of an instruction sequence for the show, wherein the instruction sequence defines one or more set of production commands for controlling at least one production device (3:20-31; 4:20-26; 8:33-35; 15:20-21), the one or more sets comprising one or more segment files, each segment file comprising a set of production commands that, when executed, operates to produce a segment of the show (6:42-51, 6:59-7:7, 15:64-16:28, figs. 4 and 5), each segment file comprising script portions that include commands activated in relation to a script (7:8-33, 8:33-38) and non-script portions that include commands activated independent of a script (8:41-51, 10:23-27), each segment having a duration (13: 25-49), which is defined by execution of the instruction sequence under the control of a human operator, and executing the one or more set of production command to control the at least one production device (3:20-31; 4:20-26; 8:33-35; 15:20-21). A segment file can be added to a show file prior to executing a first production command within the group of

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production commands corresponding to the segment file (8:33-51, 8:60-61, 12:29-37, 12:52-54, 17:38-55).

- As for claim 18: Parks teaches a computer implemented method and corresponding system for producing a show comprising the steps/means for enabling creation of an instruction sequence for the show, wherein the instruction sequence defines one or more set of production commands for controlling at least one production device (3:20-31; 4:20-26; 8:33-35; 15:20-21), the one or more sets comprising one or more segment files, each segment file comprising a set of production commands that, when executed, operates to produce a segment of the show (6:42-51, 6:59-7:7, 15:64-16:28, figs. 4 and 5), each segment file comprising script portions that include commands activated in relation to a script (7:8-33, 8:33-38) and non-script portions that include commands activated independent of a script (8:41-51, 10:23-27), each segment having a duration (13: 25-49), which is defined by execution of the instruction sequence under the control of a human operator, and executing the one or more set of production command for controlling at least one production device (3:20-31; 4:20-26; 8:33-35; 15:20-21). The show segment can be distributed over a network (6:8-23, 17:60-63).

- As for claims 19, 22, 27, 30: Show segments are distributed to destinations upon request (6:8-23, 17:60-63).

- As for claims 20, 23, 24, 28, 34: The commands for selecting a show segment or related media for distribution over internet is inherently included in Parks' teaching of distributing the show to selected destination (1:25-33, 1: 60-63, 6:8-23, 17:60-63).

- As per claims 21, 31: Show segments are identified by delimiters enabling the selection of a segment for distribution (16:10-15).

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- As for claim 26: Parks teaches a computer implemented method and corresponding system for producing a show comprising the steps/means for enabling creation of an instruction sequence for the show, wherein the instruction sequence defines one or more set of production commands for controlling at least one production device (3:20-31; 4:20-26; 8:33-35; 15:20-21), the one or more sets comprising one or more segment files, each segment file comprising a set of production commands that, when executed, operates to produce a segment of the show (6:42-51, 6:59-7:7, 15:64-16:28, figs, 4 and 5), each segment file comprising script portions that include commands activated in relation to a script (7:8-33, 8:33-38) and non-script portions that include commands activated independent of a script (8:41-51, 10:23-27), each segment having a duration (13: 25-49), which is defined by execution of the instruction sequence under the control of a human operator, and executing the one or more set of production command to control at least one production device (3:20-31; 4:20-26; 8:33-35; 15:20-21). Show segments include segment delimiter (10:19-22, 17:20-24).

- As for claim 32: Parks teaches a computer implemented method and corresponding system for producing a show comprising the steps/means for enabling creation of an instruction sequence for the show, wherein the instruction sequence defines one or more set of production commands for controlling at least one production device (3:20-31; 4:20-26; 8:33-35; 15:20-21), the one or more sets comprising one or more segment files, each segment file comprising a set of production commands that, when executed, operates to produce a segment of the show (6:42-51, 6:59-7:7, 15:64-16:28, figs, 4 and 5), each segment file comprising script portions that include commands activated in relation to a script (7:8-33, 8:33-38) and non-script portions that include commands activated

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independent of a script (8:41-51, 10:23-27), each segment having a duration (13: 25-49), which is defined by execution of the instruction sequence under the control of a human operator, and executing the one or more set of production command to control at least one production device (3:20-31; 4:20-26; 8:33-35; 15:20-21). The show segment can be distribute over a network (6:8-23, 17:60-63). The commands for selecting a show segment or related media for distribution over internet is inherently included in Parks' teaching of distributing the show to selected destination (1:25-33, 6:8-23, 17:60-63).

- As for claim 35: Parks discloses a news story markup language that define timing information and machine control commands that is used to automate news broadcasting (abstract), thus it is inherently included that the distribution of the show segment is substantially at the same time as producing the show segment.

Claim Rejections - 35 USC § 103

2. Claims 16, 17, 25, 29, 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent #6,038,573 (Parks).

- As for claims 16, 17: Parks teaches a computer implemented method and corresponding system for producing a show comprising the steps/means for enabling creation of an instruction sequence for the show, wherein the instruction sequence defines one or more set of production commands for controlling at least one production device (3:20-31; 4:20-26; 8:33-35; 15:20-21), the one or more sets comprising one or more segment files, each segment file comprising a set of production commands that, when executed, operates to produce a segment of the show (6:42-51, 6:59-7:7, 15:64-16:28, figs. 4 and 5), each segment file comprising script portions that include commands

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activated in relation to a script (7:8-33, 8:33-38) and non-script portions that include commands activated independent of a script (8:41-51, 10:23-27), each segment having a duration (13: 25-49), which is defined by execution of the instruction sequence under the control of a human operator, and executing the one or more set of production command to control at least one production device (3:20-31; 4:20-26; 8:33-35; 15:20-21). Parks fails to clearly teach converting a verbal instruction to signals to enable the creation of the instruction sequence. However official notice is taken that converting a verbal instruction to signals to enable the creation of the instruction sequence is well known in the art of programming (see the incorporated US 6,211,869, 2:29-33, and US patent #6,185,538, 2:5-14, 4:25-34). It would have been obvious to one of skill in the art, at the time the invention was made, to combine the well known implementation of receiving verbal instruction and converting the verbal instruction to computer executable instruction to Parks. Motivation of the combining is for the advantage of voice input programming.

- As for claims 25, 29: Parks is silent regarding distributing a show segment over wireless communication. However Official notice is taken that implementation of distributing a show segment over wireless communication would have been obvious to one of skill in the art. Motivation of the combining is for the clear advantage of wireless communication.

- As for claim 33: Parks is silent regarding distributing an advertisement to the destination. However it would have been obvious to one of skill in the art, at the time the invention was made, to implement the distribution of an advertisement to the destination to Parks. Motivation of the implementation is for business promotion.

Response to Arguments

Applicant's arguments filed 1/12/06 have been fully considered but they are not persuasive.

REMARKS:

The applicants argues that Parks does not teach execution of a command independent of a script. In response to the argument, the reference marks 245 links to a machine instruction 246 is a non-script portion vs to text script (8:35-44). Machine instruction 246 is independent of the text script read by the announcer. Machine instruction 246 is executed to control machines during broadcast, independent from the script, i.e., the script does not execute the machine instruction 246.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ba Huynh whose telephone number is (571) 272-4138.

The examiner can normally be reached on Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

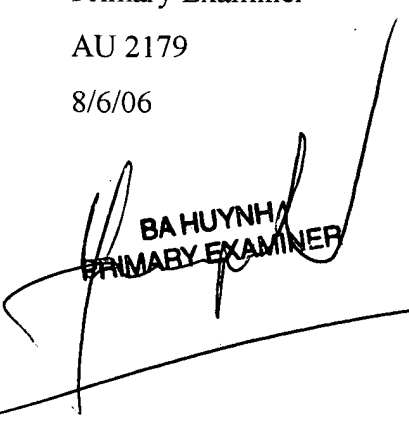
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Ba Huynh

Primary Examiner

AU 2179

8/6/06


BA HUYNH
PRIMARY EXAMINER